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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,327	02/06/2006	Christopher G Steel	GB 020197	5733

24737 7590 01/12/2007

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
GONZALEZ, AMANCIO	
ART UNIT	PAPER NUMBER
2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/535,327	STEEL, CHRISTOPHER G	
	Examiner	Art Unit	
	Amancio Gonzalez	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *11/14/06*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

RESPONSE TO ARGUMENT

Response to Arguments

1. Applicant's arguments filed on November 14, 2006 have been fully considered but they are not persuasive.

The argued features, i.e., a method of distributing the location data of a mobile device determining the location of the mobile device, encrypting the determined location using an encryption key, transmitting the encrypted location to a server, storing the encrypted at the server, querying the server from a remote terminal, transmitting from the server to the remote terminal the encrypted location in response to the query, sharing the predetermined encryption key between the mobile device and the remote terminal but not with the server, and decrypting the location at the remote terminal using the predetermined encryption key read upon Harlte et al. as follows.

Hartle discusses a mobile station location server that determines the mobile station's location through various location techniques or by receiving the location information from the mobile station over an encrypted channel. The server stores the location in memory that may be accessed by authorized client access devices. A requesting client access device transmits a request to the server and the server authenticates the request to verify that the client access device is authorized to receive the location information. If the client access device is authorized, the server can then transmit the information in either an encrypted or decrypted form to the device. The second terminal requesting encrypted information about the first terminal receives the encrypted information, which it decrypts. In no instance Hartle implies or suggests that

the mobile stations share a key with the server, which functions as the provider of the encrypted information upon which both mobile terminal communicate afterward.

Therefore Hartle discloses the limitation of " distributing the location data of a mobile device" and, as a result, the argued features are written such that they read upon the cited reference.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1 - 4** are rejected under 35 U.S.C. 102(e) as being anticipated by Herle et al. (US Pat 7013391)

Consider **claim 1**, Herle discloses an apparatus and method for distributing the location of a mobile device (title) comprising the steps of

-determining the location of the mobile device (abstract; col. 1, lines 22-27);

-encrypting the determined location using an encryption key (abstract; fig. 2);

-transmitting the encrypted location to a server (fig. 4, step 415; col. 6, lines 41-46);

-storing the encrypted location at the server (fig. 4, step 415; col. 6, lines 46-48);

-querying the server from a remote terminal (fig. 4, step 420; col. 6, lines 48-50);

-transmitting from the server to the remote terminal the encrypted location in response to the query (fig. 4, step 425; col. 6, lines 54-56);

-sharing the predetermined encryption key between the mobile device and the remote terminal but not with the server; and, consequently, decrypting the location at the remote terminal using the predetermined encryption key (MS location server 160 –fig. 1, col. 6, lines 54-56- transmits the encrypted MS 111 position data to the client access device, which then decrypts the MS 111 position data: mobile and remote device only share encryption key).

Consider **claim 2**, Herle et al. show a mobile phone that determines its location, encrypts its location using an encryption key (abstract; fig. 2), transmits the encrypted location to a server (abstract; fig. 1; col. 1, lines 22-27; fig. 4, steps 410 and 411: MS 111 accesses MS location server 160 and establishes a secure connection and transmits encrypted location data to MS location server 160), and shares the predetermined encryption key with a remote terminal but not the server (MS location server 160 –fig. 1, col. 6, lines 54-56- transmits the encrypted MS 111 position data to the client access device, which then decrypts the MS 111 position data: only mobile station and the remote terminal share encryption key in this embodiment of the invention).

Consider **claim 3**, Herle et al. clearly disclose a server that receives and stores an encrypted location, which is encrypted with an encryption key and corresponds to a mobile device (fig. 4, step 415; col. 6, lines 41-46); and in response to a query from a remote terminal, to transmit to the remote terminal the encrypted location (MS location

server 160 –fig. 1, col. 6, lines 54-56- transmits the encrypted MS 111 position data to the client access device, which then decrypts the MS 111 position data: mobile and remote device only share encryption key); wherein between receipt and transmission of the encrypted location by the server, the server is not in possession of the encryption key.

Consider **claim 4**, Herle et al. clearly disclose a terminal that queries a remote server for the location of a particular mobile device with which it has shared an encryption key independently of the server (terminal: reads access device -fig. 1; (fig. 4, step 420; col. 6, lines 48-50; claim 15); and upon receipt of an encrypted location encrypted with the encryption key, decrypting the location (MS location server 160 –fig. 1, col. 6, lines 54-56- transmits the encrypted MS 111 position data to the client access device, which then decrypts the MS 111 position data).

Conclusion

4. **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action

5. Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

6. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Amancio González, whose telephone number is (571) 270-1106. The Examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Nick Corsaro can be reached at (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Amancio González
AG/ag

December 15, 2006

NICK CORSARO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600